



Reprinted
March 24, 2009

ENGROSSED SENATE BILL No. 39

DIGEST OF SB 39 (Updated March 23, 2009 2:10 pm - DI 116)

Citations Affected: IC 21-14; IC 25-25.

Synopsis: Veterans' benefits. Removes the requirement that a Purple Heart recipient must enter active duty service in the armed forces of the United States or the Indiana National Guard after September 10, 2001, to be eligible for an exemption from tuition and fees at a state educational institution. Repeals a provision that excludes a county having a consolidated city from the veterans' vending and peddling licensing fee exemption.

Effective: Upon passage; July 1, 2009.

Delph, Wyss, Young R, Hume, Taylor, Lubbers,
Miller, Zakas, Leising, Head, Boots, Paul,
Randolph, Alting, Arnold, Becker, Bray, Breaux,
Broden, Buck, Charbonneau, Deig, Dillon,
Errington, Gard, Hershman, Holdman, Kenley,
Kruse, Lanane, Landske, Lawson C, Lewis,
Long, Merritt, Mishler, Mrvan, Nugent, Rogers,
Simpson, Sipes, Skinner, Steele, Stutzman,
Tallian, Walker, Waltz, Waterman, Yoder,
Young R Michael

(HOUSE SPONSORS — KLINKER, HINKLE, RESKE, AVERY, BURTON,
BORROR)

January 7, 2009, read first time and referred to Committee on Education and Career Development.

January 22, 2009, reported favorably — Do Pass.

January 29, 2009, read second time, amended, ordered engrossed.

January 30, 2009, engrossed.

February 3, 2009, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 25, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

March 16, 2009, amended, reported — Do Pass.

March 23, 2009, read second time, amended, ordered engrossed.

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ES 39—LS 6302/DI 116+



Reprinted
March 24, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 39

A BILL FOR AN ACT to amend the Indiana Code concerning
public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 21-14-10-1, AS ADDED BY P.L.141-2008,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. This chapter applies to a person who:
4 (1) ~~after September 10, 2001~~, enters ~~on~~ active duty service from
5 a permanent home address in Indiana;
6 (2) receives an honorable discharge;
7 (3) receives the Purple Heart decoration for service described in
8 subdivision (1);
9 (4) is eligible to pay the resident tuition rate at the state
10 educational institution the person will attend as determined by the
11 institution; and
12 (5) possesses the requisite academic qualifications.
13 SECTION 2. IC 25-25-2-3 IS REPEALED [EFFECTIVE UPON
14 PASSAGE].
15 SECTION 3. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 39, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 39 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 39 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-14-4-1, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the following persons:

(1) A person who:

- (A) is a pupil at the Soldiers' and Sailors' Children's Home;
- (B) was admitted to the Soldiers' and Sailors' Children's Home because the person was related to a member of the armed forces of the United States;
- (C) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution **and is a resident of Indiana as determined by the commission;** and
- (D) possesses the requisite academic qualifications.

(2) A person:

(A) whose mother or father:

- (i) served in the armed forces of the United States;
- (ii) received the Purple Heart decoration or was wounded as a result of enemy action; and
- (iii) received a discharge or separation from the armed forces other than a dishonorable discharge;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution **and is a resident of Indiana as determined by the commission;** and

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(C) who possesses the requisite academic qualifications.

(3) A person:

(A) whose mother or father:

(i) served in the armed forces of the United States during a war or performed duty equally hazardous that was recognized by the award of a service or campaign medal of the United States;

(ii) suffered a service connected death or disability as determined by the United States Department of Veterans Affairs; and

(iii) received any discharge or separation from the armed forces other than a dishonorable discharge;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution **and is a resident of Indiana as determined by the commission;** and

(C) who possesses the requisite academic qualifications.

SECTION 2. IC 21-14-4-2, AS AMENDED BY P.L.141-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Subject to subsection (b), an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institutions, without the payment of ~~any educational costs~~ **tuition and regularly assessed fees** for ~~one hundred twenty-four (124) semester credit hours~~ **eight (8) semesters (or the equivalent)** in the state educational institution.

(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

SECTION 3. IC 21-14-4-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. If an eligible applicant:

(1) is permitted to matriculate in the state educational institution;

(2) qualifies under this chapter; and

(3) has earned or has been awarded ~~a cash scholarship~~ **nonstate tuition based gift aid** that is paid or payable to a state educational institution, from any source;

the amount paid shall be applied to the credit of the eligible applicant in the payment of ~~incidental expenses~~ **tuition and regularly assessed fees** of the eligible applicant's attendance at the state educational

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institution. The balance, if the terms of the scholarship permit, must be returned to the eligible applicant before the application of state tuition based aid from any source. The amount of state aid the student may receive in total from any source or fund may not exceed eight (8) semesters (or the equivalent).

SECTION 4. IC 21-14-4-8, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The amount of the benefits under this chapter is equal to one (1) of the following amounts:

- (1) If the applicant does not receive financial assistance specifically designated for ~~educational costs~~, **tuition and regularly assessed fees**, the amount determined under sections 2 through 6 of this chapter.
- (2) If the applicant receives financial assistance specifically designated for ~~educational costs~~, **tuition and regularly assessed fees**:

- (A) the amount determined under sections 2 through 6 of this chapter; minus

- (B) the financial assistance specifically designated for ~~educational costs~~, **tuition and regularly assessed fees**.

SECTION 5. IC 21-14-6-2, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. The children of a public safety officer who has been killed in the line of duty are not required to pay ~~educational costs~~ **tuition and regularly assessed fees** at a state educational institution or state supported technical school, so long as the children are less than twenty-three (23) years of age and are full-time students pursuing a prescribed course of study.

SECTION 6. IC 21-14-6-3, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The surviving spouse of a public safety officer who has been killed in the line of duty is not required to pay ~~educational costs~~ **tuition and regularly assessed fees** at a state educational institution or state supported technical school, as long as the surviving spouse is pursuing a prescribed course of study at the institution towards an undergraduate degree.

SECTION 7. IC 21-14-6-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. The amount of the benefits under this chapter is equal to one (1) of the following amounts:

- (1) If an eligible applicant does not receive financial assistance specifically designated for ~~educational costs~~, **tuition and**

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regularly assessed fees, the amount determined under section 2 or 3 of this chapter that is applicable to the eligible applicant.

(2) If an eligible applicant receives financial assistance specifically designated for ~~educational costs~~: **tuition and regularly assessed fees**:

(A) the amount determined under section 2 or 3 of this chapter that is applicable to the eligible applicant; minus

(B) the financial assistance specifically designated for ~~educational costs~~: **tuition and regularly assessed fees**.

SECTION 8. IC 21-14-7-1, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to an individual:

(1) whose father, mother, or spouse:

(A) was a member of the Indiana National Guard; and

(B) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7);

(2) who is eligible to pay the resident tuition rate (as determined by the state educational institution) at the state educational institution in which the individual is enrolled or will enroll **and is a resident of Indiana as determined by the commission**; and

(3) who possesses the requisite academic qualifications.

SECTION 9. IC 21-14-7-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "regularly assessed fees" means fees charged to every enrolled student.**

SECTION 10. IC 21-14-7-2, AS AMENDED BY P.L.141-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Subject to subsection (b), an eligible applicant is ~~exempt from the payment of educational costs for instruction~~ **eligible for a grant covering tuition and regularly assessed fees** at the state educational institution in which the eligible applicant is enrolled or will enroll.

(b) The maximum amount that an eligible applicant is ~~exempt from paying~~ **eligible to receive** for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

SECTION 11. IC 21-14-7-3, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. An eligible applicant may receive the tuition ~~exemption grant~~ under this chapter for all semester credit hours in which the eligible applicant enrolls up to a maximum of ~~one hundred twenty-four (124) semester credit hours~~: **eight (8) semesters**

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(or the equivalent).

SECTION 12. IC 21-14-7-4, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. An eligible applicant qualifying for or receiving the tuition ~~exemption~~ **grant** under this chapter is entitled to enter, remain, and receive instruction at a state educational institution under the same conditions, qualifications, and regulations that apply to:

- (1) applicants for admission to; or
- (2) students enrolled in;

the state educational institution who do not qualify for or receive the ~~educational costs exemption~~ **tuition grant**.

SECTION 13. IC 21-14-7-6, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. If an eligible applicant:

- (1) qualifies for or is receiving the ~~educational costs exemption~~ **tuition grant** under this chapter; and
- (2) receives other financial assistance specifically designated for ~~educational costs~~ **tuition and regularly assessed fees** at the state educational institution in which the individual is enrolled or will enroll;

the state educational institution shall deduct the amount of the financial assistance specifically designated for ~~educational costs~~ **tuition and regularly assessed fees** from the amount of the ~~educational costs exemption~~ **tuition grant** under this chapter.

SECTION 14. IC 21-14-7-7, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. If an eligible applicant:

- (1) qualifies for or is receiving the ~~educational costs exemption~~ **tuition and regularly assessed fee aid** under this chapter; and
- (2) earns or is awarded a ~~cash scholarship~~ **nonstate tuition based gift aid** from any source that is paid or payable to the state educational institution in which the eligible applicant is enrolled or will enroll;

the state educational institution shall credit the amount of the ~~cash scholarship~~ **gift aid** to the eligible applicant for the payment of ~~incidental expenses~~ **tuition and regularly assessed fees** incurred by the eligible applicant in attending the state educational institution ~~with the balance, if any, of the award, if the terms of the scholarship permit, paid to the eligible applicant. before the application of state tuition based aid from any source. The amount of state aid the student may receive in total from any source of fund may not exceed eight~~

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(8) semesters (or the equivalent).

SECTION 15. IC 21-14-7-8, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The determination as to whether an individual is eligible for the ~~educational costs exemption~~ **tuition and regularly assessed fee aid** authorized by this chapter is vested exclusively with the military department established by IC 10-16-2-1.

SECTION 16. IC 21-14-7-9, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. An eligible applicant for the ~~educational costs exemption~~ **tuition grant** must make a written request to the adjutant general for a determination of the individual's eligibility.

SECTION 17. IC 21-14-7-10, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. In response to each request under this chapter for an ~~educational costs exemption~~, **a tuition grant**, the adjutant general shall make a written determination of the applicant's eligibility.

SECTION 18. IC 21-14-7-11, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) An applicant for ~~an educational costs exemption~~ **a tuition grant** under this chapter may appeal an adverse determination in writing to the military department not more than fifteen (15) business days after the date the applicant receives the determination under this chapter.

(b) The military department shall issue a final order not more than fifteen (15) business days after the department receives a written appeal under subsection (a)."

Page 1, line 11, delete ";" and insert:

"and is a resident of Indiana as determined by the commission;".

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 20. IC 21-14-10-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "regularly assessed fees" means fees charged to every enrolled student.**

SECTION 21. IC 21-14-10-2, AS ADDED BY P.L.141-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Subject to subsection (b), an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars

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in the state educational institution, without the payment of any ~~educational costs for one hundred twenty-four (124) semester credit hours~~ **tuition and regularly assessed fees for eight (8) semesters (or the equivalent)** in the state educational institution.

(b) The maximum amount of **tuition grant per semester hour** that an eligible applicant is ~~exempt from paying for a semester hour eligible to receive~~ is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

SECTION 22. IC 21-14-10-4, AS ADDED BY P.L.141-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. If an eligible applicant:

- (1) is permitted to matriculate in a state educational institution;
- (2) qualifies under this chapter; and
- (3) has earned or has been awarded a ~~cash scholarship~~ **nonstate tuition based gift aid** that is paid or payable to the state educational institution, from any source;

the amount paid shall be applied to the credit of the eligible applicant in the payment of ~~incidental expenses~~ **tuition and regularly assessed fees** of the eligible applicant's attendance at the state educational institution. ~~The balance, if the terms of the scholarship permit, must be returned to the eligible applicant before the application of state tuition based aid from any source. The amount of state aid the student may receive in total from any source or fund may not exceed eight (8) semesters (or the equivalent).~~

SECTION 23. IC 21-14-10-8, AS ADDED BY P.L.141-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. The amount of the benefits under this chapter is equal to one (1) of the following:

- (1) If the eligible applicant does not receive financial assistance specifically designated for ~~educational costs~~, **tuition and regularly assessed fees**, the amount determined under sections 2 through 6 of this chapter.
- (2) If the eligible applicant receives financial assistance specifically designated for ~~educational costs~~: **tuition and regularly assessed fees**:
 - (A) the amount determined under sections 2 through 6 of this chapter; minus
 - (B) the financial assistance specifically designated for ~~educational costs~~. **tuition and regularly assessed fees.**

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SECTION 24. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 21-14-4-3; IC 21-14-7-5; IC 21-14-10-3."

Renumber all SECTIONS consecutively.

(Reference is to SB 39 as printed January 23, 2009.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 39, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 2. IC 21-14-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. As used in this chapter, "regularly assessed fees" means fees charged to every enrolled student.**"

Page 2, line 34, after "institution." insert **"An eligible applicant who is enrolled in less than twelve (12) semester hours during the semester (or the equivalent) is considered to be enrolled for one half (1/2) semester for purposes of determining the amount the eligible applicant is entitled to receive under this chapter."**

Page 5, line 8, after "equivalent)." insert **"An eligible applicant who is enrolled in less than twelve (12) semester hours during the semester (or the equivalent) is considered to be enrolled for one half (1/2) semester for purposes of determining the amount the eligible applicant is entitled to receive under this chapter."**

Page 7, line 19, after "costs" insert **"tuition and regularly assessed fees"**.

Page 7, line 19, reset in roman "for one hundred twenty-four (124) semester credit".

Page 7, line 20, reset in roman "hours".

Page 7, line 20, delete "tuition and regularly assessed fees for eight (8) semesters".

Page 7, line 42, delete "eight (8) semesters" and insert **"one**

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hundred twenty-four (124) semester credit hours".

Page 8, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 24. IC 25-25-2-3 IS REPEALED [EFFECTIVE UPON PASSAGE].".

Page 8, after line 17, begin a new paragraph and insert:

"SECTION 26. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 39 as reprinted January 30, 2009.)

TINCHER, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 39 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 6.

Page 7, delete lines 1 through 6.

Page 7, line 17, after "institution" insert ";".

Page 7, line 17, delete "and is a resident of Indiana as determined by the".

Page 7, line 18, delete "commission;".

Page 7, delete lines 20 through 42.

Page 8, delete lines 1 through 29.

Page 8, delete lines 32 through 33.

Renumber all SECTIONS consecutively.

(Reference is to ESB 39 as printed March 17, 2009.)

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